

HOUSE BILL NO. 255

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A \$100 CHARGE ON A PERSON CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR OF DRIVING WITH AN ILLEGAL ALCOHOL OR DRUG CONTENT IN THE PERSON'S BODY; PROVIDING FOR DISTRIBUTION OF THE CHARGE TO THE ARRESTING LAW ENFORCEMENT AGENCY; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Imposition of alcohol or drug driving offense charge. (1) Except as provided in subsection (2), there must be imposed on a person convicted under 61-8-401 or 61-8-406 a \$100 charge that is in addition to other costs, fees, charges, or fines that are imposed, including the charge imposed under 46-18-236.

(2) If the court determines that the person is unable to pay or is unable to pay within a reasonable time, the court shall waive payment of the charge imposed by this section.

(3) When the payment of one or more costs, fees, charges, or fines is to be made in installments over a period of time, the charge imposed by this section must be collected from the first payment made and each subsequent payment as necessary if the first payment is not sufficient to cover the charge.

(4) If the arresting officer was employed by a state law enforcement agency, the charge collected under this section must be forwarded to that agency and used by the agency for education, equipment, training, and enforcement related to offenses under 61-8-401 and 61-8-406. If the arresting officer was employed by a law enforcement agency of a political subdivision of the state, the charge collected under this section must be deposited with the treasurer or finance officer of that political subdivision, to be distributed to and used by the arresting officer's law enforcement agency for education, equipment, training, and enforcement related to offenses under 61-8-401 and 61-8-406.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61 apply to [section 1].



